IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3228 OF 2003
IN
SUIT NO.3376 OF 2003

Fazlur Rahman Habib Khan. ...Plaintiff

VS.

1.Iqbal Hussain Habib Khan
and others. ...Defendants

MR.V.R.Singh, for Plaintiff.

Mr.H.V.Kode, for Respondent no.1.

Mr.S.A.Sawant, for Respondent no.4.

CORAM: D.K.DESHMUKH, J.

DATED: 25th January,2008.

P.C.:

1. By order dated 14.10.2005 Salma Begum who was defendant in both the suits was permitted to bid at auction. Before bid could be taken, she has admittedly died. In one of the suits her legal representatives are brought on record. In other suit, I have been informed that, a chamber summons has been taken out but yet order is not passed. Therefore, the legal representatives of Salma Begum will have to nominate one of them to participate in the auction on behalf of deceased Salma Begum.

Therefore, if the legal representatives of Salma Begum nominate their representative and communicate it to the Receiver, the Receiver shall proceed to hold auction as per the order dated 14.10.2005. If the legal representatives of deceased Salma Begum are not able nominate their representative within a period of two weeks from today, the Receiver shall not take any further steps pursuant to the order dated 14.10.2005, unless the parties get the order dated 14.10.2005 modified in view of the subsequent development viz. death of Salma Begum.